

# In the Court of Appeals of the State of Alaska

**Vincent Edward Wilkerson,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-12952**

## **Order**

Request for Review of Clerk's Intention  
to Enter Judgment for Costs of  
Appointed Attorney

Date of Order: **July 28, 2020**

Trial Court Case No. **3AN-13-05041CI**

The Appellant, Vincent Edward Wilkerson, appealed the dismissal of his post-conviction relief application to this Court. In *Wilkerson v. State*, Summary Disposition No. 0113 (March 11, 2020), this Court affirmed the superior court's decision.

Mr. Wilkerson was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Wilkerson was represented by court-appointed counsel in this appeal, because Mr. Wilkerson's appeal was a felony merit appeal — and because Mr. Wilkerson's convictions were not reversed — the Office of the Clerk of the Appellate Courts notified Mr. Wilkerson that it intends to enter judgment against him in the amount of \$1,500.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Wilkerson now seeks judicial review of the Appellate Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A). In his request for judicial review of the Clerk's Notice of Intent, Mr. Wilkerson points out that he has been considered indigent for purposes of this appeal, and has only been required to pay reduced court costs and fees,

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and asserts that he was not aware that he would incur the cost of representation by court-appointed counsel. These reasons, however are insufficient to justify reversing the Clerk's decision to enter a judgment against Mr. Wilkerson for a portion of the cost of his court appointed counsel.

Because Appellate Rule 209(b)(5) and (6) — which apply to appeals taken from the dismissal of an application for post-conviction relief — require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense, and because this Court did not reverse Mr. Wilkerson's convictions in this appeal, he is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense.

The decision of the Appellate Court Clerk to enter a **\$1,500.00** judgment against Mr. Wilkerson for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Vincent Edward Wilkerson at Lemon Creek Correctional Center  
Distribution:

Email:  
Perkins, Carolyn, Public Defender  
Beach, Ruthanne